

## **Chapter 16.02**

### **DEFINITIONS**

#### **16.02.010 General.**

The definitions contained in this Chapter shall be observed and applied in the interpretation of all chapters in this Title, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural the plural the singular; and words used in the masculine gender shall include the feminine.

#### **16.02.020 Defined words.**

All terms contained within this Title shall have the meanings set forth in the Indiana Building Code, unless specifically defined herein below. Where terms are not defined in the Indiana Building Code or below, but are defined in any of the codes noted in Section 16.04.020(a) of this Title, such terms shall have the meanings ascribed to them as in those other codes. Where terms are not defined through the methods authorized by this Section, such terms shall have ordinarily accepted meanings such as the context implies.

“Carbon Monoxide Detector” means a device that detects carbon monoxide and that produces a distinct, audible alarm and is listed by a nationally recognized, independent product-safety testing and certification laboratory to conform to the standards for carbon monoxide alarms issued by such laboratory or any successor standards.

“Complaint Inspection” means an inspection of a residential rental unit prior to the expiration of an occupancy permit and as the result of the HAND Department receiving a written request of any resident of the City, any governmental agency or employee, or the residential rental unit’s tenant, the tenant’s legal representative, the owner or the owner’s agent.

“Condominium” means a single real-estate unit, located in or attached to other real-estate units, which is individually owned and deeded.

“Cycle Inspection” means an inspection of a residential rental unit that occurs prior to the issuance of either the first occupancy permit granted for said unit or an inspection of a residential rental unit that occurs prior to the expiration of an already granted occupancy permit.

“Director” means the Director of the Housing and Neighborhood Development Department or his/her designee(s).

“Dwelling unit” means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

“Exterior property” means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

“Family” has the same definition as found in Bloomington Municipal Code Section 20.11.020.

“Fuel” means coal, kerosene, oil, fuel gases, or other petroleum products or hydrocarbon products such as wood that emit carbon monoxide as a by-product of combustion.”

“Garbage” has the same definition as found in Bloomington Municipal Code Section 6.04.010.

“HAND Department” means the Housing and Neighborhood Development Department.

“Infestation” means the presence, within or contiguous to, a structure or premises of pests.

“Inoperable vehicle” means a vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, abandoned, in a state of disrepair, or incapable of being moved under its own power.

“Let for occupancy or Let” means to permit, provide or offer possession or occupancy of a dwelling unit, building, premise or structure by a person who is not the legal owner of record thereof, not a legal dependent of the legal owner of record, or not a beneficiary of a trust if the legal owner of record is a trust, pursuant to a written or unwritten lease, agreement or license, or pursuant to an unrecorded agreement of contract for the sale of land.

“Lodging Establishment” means any hotel, motel, resort, vacation cabin rental, camping cabin or bed and breakfast.

“Multi-Family Dwelling” means any building, or group of buildings, or portion thereof containing two or more individual dwelling units where each unit is provided with an individual entrance to the outdoors or to a common hallway and in which the number of families in residence does not exceed the number of dwelling units provided. Multi-Family Dwelling shall not include condominiums.

“Occupant” means any person entitled to occupy a lodging establishment to the exclusion of others.

“Off-Cycle Inspection” means an inspection of a residential rental unit prior to the expiration of an occupancy permit that is initiated because the Director believes he/she

has probable cause to believe the condition of the residential rental unit or premises is in such a state of deterioration or is in violation of this Title.

“Organization” means a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, and any other legal or commercial entity.

“Owner” means any person, agent, or organization having a legal interest in a residential rental unit or lodging establishment; or recorded in the official records of the State, county or municipality as holding title to the residential rental unit or a lodging establishment; or otherwise having control of the residential rental unit or lodging establishment, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of the residential rental unit or lodging establishment by a court. For the purposes of this Title a person with a lease hold interest or an unrecorded contract for sale shall not be considered an owner.

“Pest” means insects, rats, bed bugs, snakes, raccoons, squirrels, vermin or other similarly situated insects, reptiles or animals.

“Premises” means a lot, plot or parcel of land including the buildings or structures thereon.

“Residential rental unit” means any dwelling unit, rooming house, or rooming unit occupied by a person(s) other than the owner and/or their legal dependent, but it does not include the following arrangements unless the arrangements are created to avoid application of this Title:

- (1) Occupancy in a residential rental unit owned by Indiana University;
- (2) Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of said organization, provided the structure itself is owned by a nonprofit organization generally associated with the fraternal or social organization;
- (3) Occupancy by the purchaser of a dwelling unit under a contract of sale, provided the contract for sale is properly recorded with Monroe County;
- (4) Occupancy in a lodging establishment;
- (5) Occupancy in a rectory or parsonage by a person(s) generally assumed to occupy such a dwelling;
- (6) Occupancy in a residential care facility or group home which is owned and operated by the same person or organization, provided said facility or home is licensed and inspected by the State of Indiana;
- (7) Owners who reside in a dwelling unit but who wish to lease to individuals or a family while they are absent from the City for short periods of time, not to exceed one year, and who intend to

return to their dwelling unit at the expiration of the lease period;  
and

- (8) Owners who occupy the premises, rent to one tenant, and share common bathroom and kitchen facilities with said tenant.

A “residential rental unit” also includes cooperative housing arrangements.

“Rooming house/Single room occupancy” means a building, other than a dwelling unit, where lodging, with or without meals is provided for compensation; or a building designed as a single-family dwelling that is occupied by more than one (1) family (as defined herein), but not a lodging establishment, fraternity or sorority house, residential care facility, or rectory.

“Rubbish” has the same definition as found in Bloomington Municipal Code Section 6.04.010

“Single-Family Detached Home” means a single building per lot containing a single residential dwelling unit designed for and occupied by one family which is completely separate from any other building.

“Smoke detector” means a device which senses visible or invisible particles of combustion and conforms to the minimum standards for type, components, and maintenance prescribed by the National Fire Protection Association.

“Tenant” means any person entitled to occupy a residential rental unit under a tenancy agreement to the exclusion of others.

“Tenancy Agreement” means all agreements, written, oral or implied, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of residential rental unit and the adjoining premises.

“Workmanlike” means executed in a skilled or competent manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.